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DEPARTMENT OF COMMERCE

International Trade Administration

[A-421-811]

Purified Carboxymethylcellulose from the Netherlands: Final Results of Antidumping Duty Administrative Review and Final No Shipment Determination; 2011-2012

AGENCY: Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce

SUMMARY: On August 9, 2013, the Department of Commerce (the Department) published the preliminary results of the administrative review and preliminary no shipment determination of the antidumping duty (AD) order on purified carboxymethylcellulose (CMC) from the Netherlands.

For the final results, we continue to find that sales of subject merchandise by Akzo Nobel Functional Chemicals, B.V. (Akzo Nobel) were made at less than normal value, and that CP Kelco, B.V. (CP Kelco) had no shipments of subject merchandise during the POR.

EFFECTIVE DATE: [Insert date of publication in the *Federal Register*.]

FOR FURTHER INFORMATION CONTACT: John Drury or Angelica Mendoza, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-0195, and (202) 482-3019, respectively.

Background

On August 9, 2013, the Department published the preliminary results of the administrative review of the AD order on purified CMC from the Netherlands.¹ We invited interested parties to

¹ See *Purified Carboxymethylcellulose From the Netherlands: Preliminary Results of Antidumping Duty Administrative Review and Preliminary No Shipment Determination; 2011-2012*, 78 FR 48649 (August 9, 2013) (*Preliminary Results*).

comment on the *Preliminary Results*. We received no comments. The Department has conducted this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Tolling of Deadlines

As explained in the memorandum from the Assistant Secretary for Enforcement and Compliance, the Department has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from October 1, through October 16, 2013.² Therefore, all deadlines in this segment of the proceeding have been extended by 16 days. If the new deadline falls on a non-business day, in accordance with the Department's practice, the deadline will become the next business day. The revised deadline for the final results of this review is now December 26, 2013.

Scope of the Order

The product covered by the order is all purified CMC, sometimes also referred to as purified sodium CMC, polyanionic cellulose, or cellulose gum, which is a white to off-white, non-toxic, odorless, biodegradable powder, comprising sodium CMC that has been refined and purified to a minimum assay of 90 percent. Purified CMC does not include unpurified or crude CMC, CMC Fluidized Polymer Suspensions, and CMC that is cross-linked through heat treatment. Purified CMC is CMC that has undergone one or more purification operations, which, at a minimum, reduce the remaining salt and other by-product portion of the product to less than ten percent.

The merchandise subject to the order is currently classified in the Harmonized Tariff Schedule of the United States at subheading 3912.31.00. This tariff classification is provided for

² See Memorandum for the Record from Paul Piquado, Assistant Secretary for Enforcement and Compliance, "Deadlines Affected by the Shutdown of the Federal Government" dated October 18, 2013.

convenience and Customs purposes; however, the written description of the scope of the order is dispositive.

Determination of No Shipments

As noted in the *Preliminary Results*,³ we received a no-shipment claim from CP Kelco, and we confirmed this claim with U.S. Customs and Border Protection (CBP). Because we continue to find that the record indicates that CP Kelco did not export subject merchandise to the United States during the POR, we determine that it had no reviewable transactions during the POR.

Our former practice concerning respondents submitting timely no-shipment certifications was to rescind the administrative review with respect to those companies if we were able to confirm the no-shipment certifications through a no-shipment inquiry with CBP.⁴ As a result, in such circumstances, we normally instructed CBP to liquidate any entries from the no-shipment company at the deposit rate in effect on the date of entry.

In our May 6, 2003, clarification of the “automatic assessment” regulation, we explained that, where respondents in an administrative review demonstrate that they had no knowledge of sales through resellers to the United States, we would instruct CBP to liquidate such entries at the all-others rate applicable to the proceeding.⁵ Because “as entered” liquidation instructions do not alleviate the concerns which the May 2003 clarification was intended to address, we find it appropriate in this case to instruct CBP to liquidate any existing entries of merchandise produced by CP Kelco and exported by other parties at the all-others rate. In addition, we continue to find

³ See *Preliminary Results* at 48650.

⁴ See *Antidumping Duties; Countervailing Duties; Final rule*, 62 FR 27296, 27393 (May 19, 1997); see also *Stainless Steel Sheet and Strip in Coils from Taiwan: Final Results of Antidumping Duty Administrative Review*, 75 FR 76700, 76701 (December 9, 2010).

⁵ See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003) (*Assessment Policy Notice*).

that it is more consistent with the May 2003 clarification not to rescind the review in part in these circumstances but, rather, to complete the review with respect to CP Kelco and issue appropriate instructions to CBP based on the final results of this administrative review. See the “Assessment Rates” section of this notice below.

Final Results of Review

We have made no changes to our calculations announced in the *Preliminary Results*. Therefore, as a result of our review, we determine that the following weighted-average dumping margin exists for the period July 1, 2011, through June 30, 2012:

| <u>Producer</u> | <u>Weighted-Average Margin (percentage)</u> |
|--------------------------------------|---|
| Akzo Nobel Functional Chemicals B.V. | 0.64 |

Assessment

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b), the Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. In accordance with 19 CFR 351.212(b)(1), the Department normally calculates an assessment rate for each importer of the subject merchandise covered by the review. In this review, we have calculated, whenever possible, an importer-specific assessment rate or value for merchandise subject to this review as described below.

As noted in the *Preliminary Results*, all of Akzo Nobel’s U.S. sales of CMC were constructed-export-price sales (*e.g.*, sales through Akzo Nobel’s U.S. affiliate to the unaffiliated purchaser in the United States).⁶ Accordingly, we divided the total dumping margins for the reviewed sales by the total entered value of those reviewed sales for each importer. We will

⁶ See *Preliminary Results* and accompanying Preliminary Decision Memorandum at page 7.

direct CBP to assess the resulting percentage margin against the entered customs values for the subject merchandise on each importer's respective POR entries.⁷

The calculated *ad valorem* rates will be assessed uniformly on all entries made by the respective importers during the POR. Where the assessment rate is above *de minimis*, we will instruct CBP to assess duties on all entries of subject merchandise by that importer.

As stated above, the Department clarified its "automatic assessment" regulation on May 6, 2003. This clarification will apply to entries of subject merchandise during the POR produced by reviewed companies for which these companies did not know their merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.⁸

The Department intends to issue assessment instructions directly to CBP 15 days after publication of these final results of review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Tariff Act of 1930, as amended: (1) the cash deposit rate for Akzo Nobel will be the rate established in the final results of this review; (2) for previously reviewed or investigated companies not covered in this review, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this or any previous review or in the less-than-fair-value (LTFV) investigation but the

⁷ See 19 CFR 351.212(b).

⁸ For a full discussion of this clarification, see *Assessment Policy Notice*.

manufacturer is, the cash-deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review or the investigation, the cash-deposit rate will continue to be the all-others rate of 14.57 percent, which is the all-others rate established by the Department in the LTFV investigation.⁹ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation, which is subject to sanction.

⁹ See *Notice of Antidumping Duty Orders: Purified Carboxymethylcellulose from Finland, Mexico, the Netherlands and Sweden*, 70 FR 39734, 39735 (July 11, 2005).

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Paul Piquado
Assistant Secretary
for Enforcement and Compliance

Dated: December 18, 2013.

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